

Law Affecting Student Eligibility to Pay In-State Tuition at Public Colleges and Universities

UPDATE: March 2004

The following information is being provided to public two-year and four-year colleges by the Higher Education Coordinating Board to assist with the implementation of a law that took effect in July 2003 to make students eligible for resident tuition rates if they have:

Resided in Washington state for the three years immediately prior to receiving a high school diploma, and completed the full senior year at a Washington high school,

Or

Completed the equivalent of a high school diploma and resided in Washington state for the three years immediately before receiving the equivalent of the diploma,

And

Continuously resided in the state since earning the high school diploma or its equivalent

Students meeting these criteria are required to submit an affidavit indicating that they will file an application to become a permanent resident at the earliest opportunity they are eligible to do so, and indicating a willingness to engage in other activities necessary to acquire citizenship, such as citizenship or civics review courses.

Implementation Activities

The following actions have been taken to implement the new law:

- In June of 2003, an [affidavit](#) was developed to meet the requirements of the law. The [affidavit](#) was distributed to two-year college registrars and deans, and to four-year college registrars and admissions officers.
- Staff from the Higher Education Coordinating Board, Council of Presidents, and the State Board for Community and Technical Colleges presented an overview of the law and answered related questions at a meeting of two-year and four-year college and university residency officers on July 28, 2003.
- The Higher Education Coordinating Board incorporated language from the new law into the Washington Administrative Code (WAC) in September 2003.

- A memo was distributed to two-year and four-year college registrars and residency officers in September 2003 to help institutions implement the new law.
- An overview of the legislation and copies of the affidavit were provided to high school counselors during their statewide tour in Fall 2003 (involving approximately 1,000 counselors).

The information provided to two-year and four-year residency officers and registrars included a “Q &A” section that addressed the following questions:

Q: What type of documentation is required from students who sign the affidavit?

A: Documentation required for students signing the affidavit should be handled the same as for any other student. A student signature on the affidavit itself can be considered documentation enough to prove residency status, unless the affidavit conflicts with other information provided by the student, in which case the student can legitimately be asked to provide further documentation.

Q: How long should the affidavit be retained?

A: The affidavit should be retained according to the state document retention requirements. If a college normally processes residency documents as admissions documents, the retention rules for admissions documents will apply. Otherwise, the affidavit should be handled as a residency document and retained accordingly.

Q: How should the affidavit be distributed?

A: The affidavit should be made available to all applicants, but there will be some transition difficulties for schools that processed admissions applications prior to July 1. In those cases, institutions will do their best to send the affidavit to students who have already applied for admissions or who are enrolled but have not indicated their country of citizenship on the admissions application or who have stated that it is “unknown”.

Q: How should students qualifying under the new criteria be tracked or counted?

A: There is no tracking necessary for students signing the affidavit. Only a count of affidavits received will be maintained at this time and for the foreseeable future. The students should be coded as residents paying the resident rate.

New Q&A Section

As more students apply for eligibility, registrars and residency officers have asked for additional clarification. The following section provides answers to some questions that have arisen since last September.

Q: Can students be asked to provide any additional documentation besides the affidavit?

A: While it is important to be minimally intrusive and respect student privacy, all students who apply for residency can be asked to provide additional documentation if their materials are incomplete or contradictory.

Please recognize that it may be necessary to assure some students that a social security number is not required on admission applications. Please also remember that disclosure of student information is subject to the restrictions and privacy protections of The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99).

Q: Can students who are attending college on visas (e.g. “F” visas) sign the residency affidavit stating their intent to gain U.S. citizenship, given that their visa status is conditioned on their intent to return to their country of origin?

A: Yes, it is possible for a student to maintain “dual intent” under immigration law. This means a student can both intend to return to their country and to gain U.S. citizenship.

Q: When during the academic term should affidavits and other materials related to the new law be accepted?

A: Materials supporting residency classification under this provision, as is the case under all residency provisions, can be accepted up to the 30TH calendar day following the first day of the instruction of the quarter or semester for which application is made. Materials received after that date in any quarter or semester shall be considered to have been filed as of the first day of the subsequent quarter or semester.

Future Implementation Efforts

The high school counselor and community college tours scheduled for this year will include information about the law, as will upcoming presentations to community college presidents, baccalaureate representatives, admissions officers, and registrars at the two-year and four-year institutions. In addition, Higher Education Coordinating Board staff will be working with other groups to develop a communications strategy targeted specifically for high schools.

As of Fall 2003, approximately 180 students qualified for residency tuition rate under the new law. We encourage you to continue to communicate information about this residency law to your students and during recruiting activities.